

### **Remarks/Arguments**

Applicants respectfully request consideration of the subject application as amended herein. This Amendment is submitted in response to the Office Action mailed July 25, 2008. Claims 1-58 are rejected.

In this Amendment, claims 1, 2, 4-6, 9, 12-14, 16-18, 21-23, 28, 31, 32, 34-36, 39, 42-44, 46, 47, 52, 53 and 58 have been amended. It is respectfully submitted that the amendments do not add new matter. No claims have been canceled. Therefore, claims 1-58 are presented for examination. The Applicants respectfully request reconsideration of the present application and the allowance of all claims now presented.

### **35 U.S.C §103**

Claims 1-19, 22-49 and 52-58 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Pyhalammi, et al, U.S. Patent Publication No. US2005/0091367 (hereinafter "Pyhalammi"), in view of Zuidema et al., U.S. Patent Application US2006/0031297 (hereinafter "Zuidema").

Pyhalammi describes a system and method for tracking content communicated over a network. (Pyhalammi, Abstract). Users can have content registered and tracked such that subsequent transmission (e.g., repeated forwarding of the content from user to user) can be recognized, and in some cases a reward is provided to users whose content proves to be popular and is forwarded from user to user. (Pyhalammi, paragraphs 7-8).

Pyhalammi does not discuss media quality, replacing media items, or restoring media quality at all. Pyhalammi merely describes that content of a message is watermarked, that is, "marked to enable its tracking," and registered in a database where a database record includes some representation of the content, such as a thumbnail

image. (Pyhalammi, paragraphs 38, 39, and 43). Nowhere does Pyhalammi describe that a media item having original quality in a message is replaced with a lower quality substitute copy. The Examiner states:

The Office also notes with emphasis that a "thumbnail" image representation of the original image is, in fact, a 'reduced-size' an 'lower-quality version' of the original image, and **Pyhalammi thus expressly teaches the claim feature of "replacing the media item in the message with a lower quality substitute copy that includes the identifier."**

(Office Action, page 6, emphasis added). Applicants respectfully disagree.

In regards to thumbnail images and watermarking content, Pyhalammi describes that a "watermarked image is created with one or more detection bits (D), and the actual watermark bits (W), embedded into or otherwise associated with the image data." (Pyhalammi, paragraph 62). Therefore, Pyhalammi does not describe the watermark image in relation to a thumbnail image. Instead, Pyhalammi separately describes that during the watermarking process, "a thumbnail or other representation of the content is created from the original image by the message tracking system." (Pyhalammi, paragraph 60). Therefore, Pyhalammi merely states that a thumbnail is created and nowhere does Pyhalammi teach or suggest replacing a media item in a message with a lower quality substitute copy.

In regards to thumbnail images and registering a watermarked image, Pyhalammi describes:

In registering the content, ... **a database ... may be used to store the** MSISDN, timestamp, **thumbnail** or other representation of the content, and MAC....For example, database record 912 identifies the user by the MSISDN 902. The timestamp 904 of 1 Apr. 2003 09:13 indicates that the message was received (or other predetermined event) on Apr. 1, 2003 at 9:13 a.m. **The thumbnail 906 (THUMB-1) and the MAC 908 (1F3...) are stored,** and the count value is initialized to a predetermined value such as "1" upon first registration of the image....The **message with the watermarked image 922A is then transmitted** according to the destination(s) identified in the associated message.

(Pyhalammi, paragraphs 63 and 65). Therefore, during registration, a thumbnail is not replacing the image in the message because Pyhalammi explicitly states the thumbnail is stored in the database and that the message with the watermarked image is transmitted. Moreover, Pyhalammi explicitly states that “[t]his ‘watermark’ generally refers to some embedded, electronically perceivable data that allows the message to be tracked by the message tracking system.” (Pyhalammi, paragraph 43). Therefore, Pyhalammi’s addition of a watermark does not reduce image quality. As such, Pyhalammi does not replace a media item having original quality in a message with a lower quality substitute copy.

Furthermore, since, Pyhalammi does not teach or suggest “replacing the media item having original quality in the message with a lower quality substitute copy that includes said identifier,” Pyhalammi cannot and does not teach or suggest restoring a lower quality substitute copy in a message to the original quality. The language cited by the Examiner at Pyhalammi Figures 6-7 and paragraphs 57-58 does not describe restoring an image in a message. Instead, that portion of Pyhalammi discusses a user ordering a copy of an image to be sent to another user, via a Web interface. After a user places an order at the web site, “[a]fter the order has been accepted by the ordering service, the actual image is sent (e.g., MMS message) to user-D.” (Pyhalammi, paragraph 58, emphasis added). This does not address how messages are handled, but rather how ordering via a Web page is done. Therefore, Pyhalammi does not teach or suggest “restoring the lower quality substitute copy of the media item in the message to the original quality using said identifier,” as described in claim 1. (Emphasis added).

This feature is also missing from Zuidema. Zuidema describes a method to restrict or otherwise control the forwarding of multimedia content. (Zuidema, paragraph 10).

Zuidema addresses the problem how “the user who paid for the content can forward this message to another user.” (Zuidema, paragraph 9).

Zuidema describes the “MMSC could also convert the content to a relatively low quality version before forwarding the content to the intended recipient,” (Zuidema, paragraph 28), Zuidema fails to teach or suggest “restoring the lower quality substitute copy of the media item in the message to the original quality using said identifier.” Rather, Zuidema teaches away from restoring the lower quality substitute copy of the media item in the message to the original quality by teaching that the intended recipient should download the original version. (Zuidema, paragraph 28). Zuidema teaches sending a low quality version of the content so that the intended recipient would receive “the message and the content, but because of the low quality it would not be very valuable.” (Zuidema, paragraph 28). Zuidema explains that the intended recipient would, thus, “be encouraged to download the original version from the MMS applications himself.” (Zuidema, paragraph 28). However, Zuidema does not teach or suggest “restoring the lower quality substitute copy of the media item in the message to the original quality using said identifier,” as recited in claim 1.

Claim 1 recites in part:

upon receipt of a message containing a media item having original quality, storing the media item at the original quality in a repository;  
generating an identifier for identifying the media item stored in the repository;  
replacing the media item having original quality in the message with a lower quality substitute copy that includes said identifier; and  
upon future encounter of a message containing the lower quality substitute copy of the media item having said identifier, restoring the lower quality substitute copy of the media item in the message to the original quality using said identifier.

As discussed above, neither Pyhalammi nor Zuidema teach or suggest “restoring the lower quality substitute copy of the media item in the message to the original quality

using said identifier.”

Therefore, claim 1, and claims 2-28 which depend on it are not obvious over the combination of Pyhalammi and Zuidema.

Claim 28 as amended recites in part “the lower quality substitute copy is a reduced size image smaller than the media item having original quality.” Pyhalammi does not discuss reducing the size of the image in the message. Zuidema does not remedy this shortcoming of Pyhalammi. Therefore, claim 28 is not obvious over Pyhalammi and Zuidema.

Claim 29, recites “A computer-readable medium having processor-executable instructions for performing the method of claim 1.” As noted above, Pyhalammi and Zuidema do not teach or suggest the limitations recited in claim 1. Since Pyhalammi and Zuidema do not teach or suggest the limitations recited in claim 1, the references alone or in combination cannot and do not teach or suggest “A computer-readable medium having processor-executable instructions for performing the method of claim 1.”

Claim 30 recites “A downloadable set of processor-executable instructions for performing the method of claim 1.” As noted above, Pyhalammi and Zuidema do not teach or suggest the limitations recited in claim 1. Since Pyhalammi and Zuidema do not teach or suggest the limitations recited in claim 1, the references alone or in combination cannot teach or suggest “A downloadable set of processor-executable instructions for performing the method of claim 1.”

Claim 31 recites, in part, “a module for restoring the lower quality substitute copy of the media item in the message to the original quality using said identifier.” As discussed above, Pyhalammi and Zuidema do not teach or suggest restoring the lower quality substitute copy of the media item in the message to the original quality using said

identifier. Since Pyhalammi and Zuidema do not teach or suggest restoring the lower quality substitute copy of the media item in the message to the original quality using said identifier, the references alone or in combination cannot and do not teach or suggest "a module for restoring the lower quality substitute copy of the media item in the message to the original quality using said identifier."

Therefore, claim 31, and claims 32-58 which depend on it are not obvious over the combination of Pyhalammi and Zuidema.

Claim 58 as amended recites in part "the lower quality substitute copy is a reduced size image smaller than the media item having original quality." Pyhalammi does not discuss reducing the size of the image in the message. Zuidema does not remedy this shortcoming of Pyhalammi. Therefore, claim 58 is not obvious over Pyhalammi and Zuidema.

Claims 20-21 and 50-51 stand rejected under 35 U.S.C §103(a) as being unpatentable over Pyhalammi in view of Rhoads, et al., U.S Patent No. 6,522,769 (hereinafter "Rhoads").

Claims 20-21 are dependent on claim 1. As discussed above, Pyhalammi does not teach or suggest "restoring the lower quality substitute copy of the media item in the message to the original quality." This feature is also missing from Rhoads.

Rhoads describes reconfiguring a watermark detector. However, Rhoads does not teach or suggest a system in which a media image having original quality is stored, the media image having original quality is replaced with a lower quality substitute copy, and then restored upon future encounter of a message containing the lower quality substitute copy. In fact, Rhoads does not discuss manipulating the image at all. Therefore, Rhoads fails to remedy the shortcoming of Pyhalammi. Thus, the combination of Pyhalammi and

Rhoads fail to teach or suggest the limitations recited in claim 1.

Claims 50-51 are dependent on claim 31. Claim 31 recites, in part, "a module for restoring the lower quality substitute copy of the media item in the message to the original quality using said identifier." Pyhalammi and Rhoads alone or in combination do not teach or suggest a repository for storing media items having original quality, a module for replacing the media item having original quality in the message with a lower quality substitute copy, or a module for restoring the lower quality substitute copy of the media item in the message to the original quality. Since Pyhalammi and Rhoads do not teach or suggest "restoring the lower quality substitute copy of the media item in the message to the original quality using said identifier," the references alone or in combination do not make claim 31 obvious.

In view of the above, Applicant respectfully requests the withdrawal of the rejections under 35 U.S.C. §103(a), and submits that the pending claims are in condition for allowance.